

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

XEZAKIA ROUSE,

Petitioner,

v.

No. 11-cv-0405 JCH/SMV

ANTHONY ROMERO,

Respondent.

ORDER DENYING MOTION FOR RELEASE

THIS MATTER is before the Court on Petitioner's Motion for Release on own Recognizance Bond Pending Ruling on 10th Circuit['s] Vacating and Remanding Order [Doc. 68], filed on October 30, 2012. In his Motion, Petitioner asks the Court, under Fed. R. App. P. 23(b) and (c), to release him on his own recognizance "pending the ruling of the 10th Circuit." Motion [Doc. 68] at 1. The Tenth Circuit Court of Appeals has since issued its ruling [Doc. 66] and mandate [Doc. 67]. Accordingly, the Court, being fully advised in the premises, finds that the Motion is moot and should be DENIED.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Petitioner's Motion for Release on own Recognizance Bond Pending Ruling on 10th Circuit['s] Vacating and Remanding Order [Doc. 68] is **DENIED as moot.**

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge